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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/666,093
Filing Date: September 19, 2003
Appellant(s): AGARWALLA ET AL.

_____
John Wagner (Reg. No. 35,398)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 21, 2008 appealing from the Office

action mailed Dec. 17, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Buman et al., U.S. Patent No. 6,026,430, Feb. 15, 2000

Herse et al., U.S. Patent No. 7,127,745, Oct. 24, 2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

-       Claims 1, 2, 4-6, 8-10, 12-13, 15-21 and 23-27 are rejected under 35

U.S.C. 102(b) as being anticipated by Buman et al., U.S. Patent No. 6,026,430 (referred

to hereafter as Butman).

As to claim 1, Butman teaches an interactive grid computing system comprising:

an interactive grid computing service provider (see col. 8 lines 51-col. 9 lines 15,

col. 12 lines 42-col. 13 lines 10 and fig. 1a and 6a-6b, Butman provides a computer

system plurality of computers belonging to a plurality of domains as shown in fig. 1a and

6a-b that service client requests using resource locator tables; page 1 of the spec

defines grid computing as plurality of nodes distributed across multiple domains)

comprising:

a resource that said interactive grid computing service providers reserve for a

client based on a request from said client for an interactive session for a service that

said resource is enabled to provide (see col. 13 lines 55-col. 14 lines 49 and col. 21

lines 25-57, servers store objects i.e. resources which may be a text file, PDF file or a

movie, client C1 communicates with communications server "resource server" using a

pipe connection "direct connection" to access an object "resource");

a first firewall coupled to said resource for protecting said resource (see col. 13

lines 42-54 and col. 13 lines 55-col. 14 lines 49, communication servers "resource

servers" are coupled to a firewall); and

a remote display server "A1 of fig. 1A" coupled to said first firewall for providing

secure access to said resource over a secure connection and for providing interactive

graphical data associated with said resource, wherein said client is enabled to communicate directly with said resource over said secure connection during said interactive session (see col. 21 lines 25-57 and col. 13 lines 55-col. 14 lines 49, servers store objects which may be a drawing or a movie i.e. "graphical data" provided to the client through a socket connection i.e. "secure connection").

As to claim 2, Butman teaches the interactive grid computing system as described in Claim 1 further comprising a client coupled to said interactive grid computing service provider, said client comprising:

a second firewall protecting said client (see col. 14 lines 15-24, the client is protected with a firewall); and

a remote display resource for communicating with said remote display server through said secure connection to access said interactive graphical data provided by said remote display server (see col. 21 lines 25-57 and col. 22 lines 11-27, the objects such as drawing or a movie is transmitted to the client).

As to claim 4, Butman teaches the system as described in Claim 2 wherein said remote display resource provides a socksified SSL connection (see col. 14 lines 9-25 and col. 21 lines 59-col. 22 lines 8, data is encrypted and transmitted over a SSL connection).

As to claim 5, Butman teaches the system as described in Claim 1 wherein said interactive graphical data provided by said remote display server is encrypted (see col. 21 lines 59-col. 22 lines 8, data is encrypted and transmitted over a socket connection).

As to claim 6, Butman teaches the system as described in Claim 2 wherein said second firewall is hosting a SOCKS proxy server (see col. 14 lines 9-25, client connects to a socket connection server).

As to claim 8, Butman teaches the system as described in Claim 2 wherein said secure connection through a socks tunnel is used to tunnel said interactive graphical data through said second firewall (see col. 21 lines 59-col. 22 lines 8, data is encrypted and transmitted over a socket connection).

As to claim 9, Butman teaches the system as described in Claim 2 further comprising a software agent associated with said resource wherein if said resource is requested by said client, said software agent initiates interactive communication between said remote display server and said remote display resource (see col. 21 lines 40-65).

As to claim 10, Butman teaches the system as described in Claim 1 wherein said interactive graphical data is a graphical desktop display associated with said resource (see col. 21 lines 25-57).

As to claim 12, Butman teaches a method for interactively accessing a remote desktop across a secure network comprising:

receiving a request for a resource provided by a grid computing application service provider wherein said resource is protected by a first firewall (see col. 22 lines 12-27 and col. 13 lines 42-54, resource servers are coupled to a firewall and sent to the client in response to a request) ;

initiating a remote display server for providing graphical data associated with said resource to a remote display viewer protected by a second firewall (see col. 21 lines 25-57, servers store objects which may be a drawing or a movie i.e. "graphical data" provided to the client through a socket connection i.e. "secure connection");

establishing a secure socket layer (SSL) connection between said remote display viewer and said remote display server, wherein said client is enabled to communicate directly with said resource over said secure connection during said interactive session (see col. 21 lines 25-57 and col. 13 lines 55-col. 14 lines 49,, a socket layer connection is established with the remote server); and

communicating graphical data between said remote display viewer and said remote display server through said SSL connection (see col. 21 lines 25-57 and col. 22 lines 12-42, the graphical data is transmitted to the client).

As to claim 13, Butman teaches the method as described in Claim 12 further comprising tunneling said graphical data through a socks proxy server that comprises said second firewall (see col. 14 lines 15-24, the client is protected with a firewall).

As to claim 15, Butman teaches the method as described in Claim 12 further comprising receiving said request at said grid computing application service provider from a web browser (see col. 3 lines 15-35 and col. 4 lines 17-40).

As to claim 16, Butman teaches the method as described in Claim 12 further comprising encrypting said graphical data (see col. 21 lines 65-col. 22 lines 11).

As to claim 17, Butman teaches the method as described in Claim 12 further comprising using a socks tunnel to tunnel said graphical data through said second

firewall (see col. 21 lines 59-col. 22 lines 8, data is encrypted and transmitted over a socket connection).

As to claim 18, Butman teaches the method as described in Claim 12 further comprising authenticating a user associated with said remote display viewer (see col. 17 lines 54-col. 18 lines 2 and col. 19 lines 34-47, servers store the access rights of each user and verify whether the client is authorized to access information stored in the server).

As to claim 19, Butman teaches the method as described in Claim 18 further comprising authenticating said user at an Internet based grid service access point (see col. 17 lines 54-col. 18 lines 2 and col. 19 lines 34-47, servers store the access rights of each user and verify whether the client is authorized to access information stored in the server).

As to claim 20, Butman teaches an interactive grid computer system comprising a processor coupled to a bus and a memory coupled to said bus and comprising instructions that when executed implement a method for accessing a remote desktop across firewalls comprising:

receiving a request for a resource provided by a grid computing application service provider wherein said resource is protected by a first firewall (see col. 22 lines 12-27 and col. 13 lines 42-54, resource servers are coupled to a firewall and sent to the client in response to a request);

initiating a remote display server for providing graphical data associated with said resource to a remote display viewer protected by a second firewall (see col. 21 lines 25-

57, servers store objects which may be a drawing or a movie i.e. "graphical data"

provided to the client through a socket connection i.e. "secure connection");

establishing a secure socket layer (SSL) connection between said remote display

viewer and said remote display server, wherein said client is enabled to communicate

directly with said resource over said secure connection during said interactive session

(see col. 21 lines 25-57 and col. 13 lines 55-col. 14 lines 49, a socket layer connection

is established with the remote server); and

communicating graphical data between said remote display viewer and said

remote display server through said SSL connection (see col. 21 lines 25-57 and col. 22

lines 12-42, the graphical data is transmitted to the client).

As to claim 21, Butman teaches the interactive grid computer system as

described in Claim 20 wherein said method further comprises tunneling said graphical

data through a socks proxy server that comprises said second firewall (see col. 14 lines

15-24, the client is protected with a firewall).

As to claim 23, Butman teaches the interactive grid computer system as

described in Claim 20 wherein said method further comprises receiving said request at

said grid computing application service provider from an application (see col. 3 lines 15-

35 and col. 4 lines 17-40).

As to claim 24, Butman teaches the interactive grid computer system as

described in Claim 20 wherein said method further comprises encrypting said graphical

data (see col. 21 lines 65-col. 22 lines 11).

As to claim 25, Butman teaches the interactive grid computer system as described in Claim 20 wherein said method further comprises using a socks tunnel to tunnel said graphical data through said second firewall (see col. 21 lines 59-col. 22 lines 8, data is encrypted and transmitted over a socket connection).

As to claim 26, Butman teaches the interactive grid computer system as described in Claim 20 wherein said method further comprises authenticating a user associated with said remote display viewer (see col. 17 lines 54-col. 18 lines 2 and col. 19 lines 34-47, servers store the access rights of each user and verify whether the client is authorized to access information stored in the server).

As to claim 27, Butman teaches the interactive grid computer system as described in Claim 20 wherein said method further comprises authenticating said user at an Internet based grid service access point (see col. 17 lines 54-col. 18 lines 2 and col. 19 lines 34-47, servers store the access rights of each user and verify whether the client is authorized to access information stored in the server).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

-       Claims 3, 7, 11, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butman in view of Herse et al., U.S. Patent No. 7,127,745 (referred to hereafter as Herse).

As to claim 3, Butman teaches the wherein said remote display resource modified for secure access and for viewing a graphical desktop display associated with said resource (see col. 21 lines 25-57 and col. 22 lines 11-27, the objects such as drawing or a movie is transmitted and viewed by the client using an appropriate application).

Butman does not explicitly teach that the remote display resource is a VNC. However, Herse teaches a system and method that enables multiple users to access and share an application i.e. "resource" at a remote location using a virtual network computing (VNC) (see abstract).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Butman by installing and using VNC to access the resource on the remote display server as taught by Butman because doing so would make the system and method more efficient in the development of software applications in terms of saving time, money and travel, as the participating users do not have to be physically present at one location to share the desktop computer as explicitly taught and suggested by Herse (see Herse col. 1 lines 17-39).

As to claims 7 and 11, Butman teaches the system as described in Claim 1 wherein said first firewall is hosting a proxy server (see col. 14 lines 9-25).

Butman does not explicitly teach that the proxy server is a VNC server. However, Herse teaches a system and method that enables multiple users to access and share an application i.e. "resource" at a remote location using a virtual network computing (VNC) enabled server and client (see abstract).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Butman by installing and using VNC to access the resource on the remote display server as taught by Butman because doing so would make the system and method more efficient in the development of software applications in terms of saving time, money and travel, as the participating users do not have to be physically present at one location to share the desktop computer as explicitly taught and suggested by Herse (see Herse col. 1 lines 17-39).

As to claim 14, Butman teaches the method as described in Claim 12 further comprising hosting a proxy server at said first firewall (see col. 14 lines 9-25).

Butman does not explicitly teach that the proxy server is a VNC server. However, Herse teaches a system and method that enables multiple users to access and share an application i.e. "resource" at a remote location using a virtual network computing (VNC) enabled server and client (see abstract).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Butman by installing and using VNC to access the resource on the remote display server as taught by Butman because doing so would make the system and method more efficient in the development of software applications in terms of saving time, money and travel, as the participating users do not have to be physically present at one location to share the desktop computer as explicitly taught and suggested by Herse (see Herse col. 1 lines 17-39).

As to claim 22, Butman teaches the interactive grid computer system as described in Claim 20 wherein said method further comprises hosting a server at said first firewall (see col. 14 lines 9-25).

Butman does not explicitly teach that the proxy server is a VNC server. However, Herse teaches a system and method that enables multiple users to access and share an application i.e. "resource" at a remote location using a virtual network computing (VNC) enabled server and client (see abstract).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Butman by installing and using VNC to access the resource on the remote display server as taught by Butman because doing so would make the system and method more efficient in the development of software applications in terms of saving time, money and travel, as the participating users do not have to be physically present at one location to share the desktop computer as explicitly taught and suggested by Herse (see Herse col. 1 lines 17-39).

(10) Response to Argument

As per appellants arguments filed April 21, 2008, the appellant argues that Butman does not disclose a first firewall since the clients and the resource are located internal to the firewall (see brief pages 9-10, argument A).

In reply to A, Butman teaches a system and method including a plurality of private networks 1-4, wherein each private network includes a plurality of clients and servers that stores resources, and each of the private networks is protected by a firewall F1-F4. Devices on the same private network that are protected by the firewall establish

sessions "P" to access information on the network (see col. 3 lines 37-54, col. 5 lines 44-62, col. 13 lines 16-65 and fig. 1a, 2b and 4). In fact, col. 13 lines 47-49 explicitly states that the firewall shields the entire network from external intrusion. Since the firewalls F1-4 protect the servers and the resources on the private networks from any outside intrusion or unauthorized access, firewalls F1-4 meet the scope of the limitation as claimed.

Also with regards to applicant's arguments that Butman does not disclose a first firewall because the client is located behind the firewall. This limitation is not found in the claims. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F .2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

The claim language does not specify the location of the client. In addition, client C2 on local network protected by F2 may wish to access information on C4 which is a server on a network protected by F4 and vice versa (see col. 13 lines 16-65)

Appellant argues that Butman does not disclose communicating directly with the resource (see Brief pages 11-12, argument B).

In reply, Butman teaches that devices on the same network that are protected by the firewall may create a session with each of the other devices on the same network to access and retrieve data (see col. 14 lines 25-49). There is no language in the claim

that would suggest that the session between the client and the resource need to go through the firewall or the remote server, in fact the appellant is arguing that the client and the resource "communicate directly". Therefore Butman's creating sessions between a client and a server on the same network to access and retrieve data meets the scope of the claimed limitation "client is enabled to communicate directly with said resource over said secure connection".

In addition, even if, the claim suggests that the client is outside the firewall, Butman also teaches that C1 on network 1 may communicate with C3 on network 3 to retrieve data. C1 would create a secure session with server A1 and A1 would communicate with C3 through a secure session (see col. 14 lines 9-24). Therefore C1 would communicate directly with C3 through A1. Looking at appellant's disclosure, Fig. 5 and 6, appellant's disclosure shows that the direct connection between the client and the resource go through a proxy server. Therefore even if the claim suggests that the communication needs to go through the firewall or the remote server, Butman's teaching of communicating between a client on a first network with a server on a different network through server A1 meets the scope of the claimed limitation " communicating directly with the resource".

Appellant argues that the combination of Butman and Herse fail to teach the limitations of claims 3, 7, 11, 14 and 22 because Butman fails to teach all the limitations of claims 1 and 12 (see Brief page 12, argument C).

In reply to C, Butman teaches claims 1 and 12 as claimed as illustrated above and

therefore the combination of Butman and Herse teaches the limitations of claims 3, 7,

11, 14 and 22

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Hussein Elchanti/

July 2, 2008

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